

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL J. SMITH,

Plaintiff,

v.

THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY,

Defendant.

Case No. 18-cv-1412-JPG-SCW

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Michael J. Smith's motion to dismiss this case with prejudice and without costs (Doc. 18), which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendant has not served an answer or motion for summary judgment in this case and has responded that it does not object to dismissal with prejudice and without costs. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED with prejudice and without costs**, and **DIRECTS** the Clerk of Court to close this case. The pending motions in this case (Docs. 11 & 18) are **TERMINATED**.

**IT IS SO ORDERED.**

**DATED: August 6, 2018**

s/ J. Phil Gilbert

**J. PHIL GILBERT  
DISTRICT JUDGE**